IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. Civil Second Appeal No.556 Of 2002.

Executive Engineer, Jaipur Vidyut Vitram Nigam Ltd., Dholpur and others
Versus
Promod Kumar and Others.

Date Of Order ::: 27.11.2006.

Hon'ble Mr. Narendra Kumar Jain J.

Mr. Virendra Lodha, Counsel for defendant-appellants
Mr. J.P. Goyal, Counsel for plaintiff-respondents

By the Court :

Heard learned counsel for both the parties.

The plaintiff-respondents filed a suit for mandatory injunction in the Lower Court, which was decreed. The judgment and decree passed by the Lower Court has been affirmed by the first appellate Court also.

I have heard the learned counsel for both the

parties and after considering their submissions in the light of the findings of both the Courts below specially in respect of the finding of Issue No.1, I find that the controversial issues involved in the present case relate to the question of facts and there is a concurrent finding of fact recorded by both the Courts below, which cannot be interfered with by this Court in second appeal under Section 100 of the C.P.C.

No substantial question of law is involved in this second appeal and the same is accordingly dismissed at the admission stage itself with no order as to costs.

(Narendra Kumar Jain) J.

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